

# ***HOW TO INCORPORATE***

## ***An overview of the incorporation process***

The basic procedure to incorporate is set out in Chapter 35.02 RCW - Incorporation Proceedings. The process includes a petition requirement, review by a boundary review board, and a vote by Fairwood residents.

If the voters approve incorporation, a primary election to nominate candidates for city council and an election to select the city council must be held. The new city must officially incorporate, at a date set by the initial city council, within 360 days of the incorporation election.

<b>Timeline</b>	<b>Incorporation Step (also see RCW 35.02)</b>
6 months or more	<b>Organization and Study.</b> A group of citizens organizes and surveys the community to determine interest in incorporation. The citizens' group commissions a Governance Options Study (for the Fairwood area, a governance options study was conducted for the Petrovitsky Corridor in 1999).
Open	<b>Preliminary Boundaries and Notice.</b> If community interest in incorporation exists, the Committee sets the preliminary boundaries for the incorporation area. The Committee submits a preliminary Notice of Proposed Incorporation to the County Clerk who transmits it to the Boundary Review Board.
Open	<b>Public Information Meeting.</b> The Boundary Review Board sets up a Public Information Meeting where the Committee reports on the proposed incorporation, including service providers and representatives of surrounding cities, or citizens, in support of or opposition to boundaries; new boundaries may be suggested.
Immediately	<b>Refine Boundaries, Initiate Petitions.</b> Following the public meeting, if the Committee wishes to go forward with the incorporation efforts, the boundaries are selected. The King County Council Clerk will assign an Identification Number to incorporation proposal petitions. The King County Office of Records and Elections assists in setting requirements for the incorporation petition, and the Committee must administer petitions as set by State law.
Next 180 days	<b>Petition Circulation.</b> The Committee may then circulate the petitions. The petitions call for a future election to allow community members to decide if incorporation should occur. The petitions to conduct an election must be signed by ten percent of the registered voters living within the area to be incorporated.
Immediately upon completing petitions	<b>Notice of Intention to Incorporate.</b> Within 180 days from the date of the Public Information Meeting the Committee must collect the necessary signatures and submit the petitions to the Boundary Review Board with a Notice of Intention to Incorporate (NOI). The NOI should ideally include descriptive information, copies of petitions, maps, demographic and land use information, service analyses, consistency with current laws, and government planning information.
30 days for validation +5 for notification	<b>Verification.</b> The Boundary Review Board submits petitions to the King County Office of Records and Elections and the King County Assessor for verification of their validity.

<b>Timeline</b>	<b>Incorporation Step (also see RCW 35.02)</b>
maximum 120 day review period	<b>Boundary Review Board Assessment.</b> The Boundary Review Board circulates the NOI (and staff analysis of that document) to King County offices and other affected governments and agencies for an initial review and comment period. Maximum 120-day time for BRB actions in response to the NOI, however, is usually requested to be waived as it is not sufficient for incorporations, which generally require several months for required studies, analysis and public review processes.
4-6 months + 30-45 days for public review and comment	<b>Study.</b> An Economic and Fiscal Analysis Study is commissioned to determine the financial viability of the proposed new city. The study provides conclusions as to the potential viability of an incorporation under the various scenarios. This analysis represents such a study for the proposed City of Fairwood.
30 days minimum (notification must be 30 days in advance of the hearing)	<b>Boundary Review Board Public Hearing.</b> Under RCW 35 and RCW 36, a public hearing is generally required for an incorporation. In King County, all incorporations go to a public hearing conducted by the Boundary Review Board. At the public hearing, the Board takes testimony from all interested parties - the Incorporation Committee, the consultant, citizens who will be affected by the incorporation, King County staff members, and service providers.
within 40 days following the public hearing	<b>BRB Recommendation.</b> The Board considers whether the incorporation is consistent with Boundary Review Board criteria (RCW 36.93.180); countywide planning and Growth Management Act. At the conclusion of the hearing, the Board makes a recommendation on the incorporation. The Board may recommend in favor of the incorporation, against the incorporation or may recommend changing the incorporation boundaries.
no less than 60 days following the Boundary Review Board action	<b>Incorporation Election.</b> Following the Board recommendation, the Committee decides whether to continue with the incorporation process. If so, then an election must be held. The election may be held even if the Board recommended against the incorporation. If the Committee decides to go forward with the election, the Committee works with King County Records and Elections, to prepare the ballot language and to place the issue on a ballot for election by registered voters in the incorporation area.
60 days following incorporation election	<b>New City Government Elections.</b> If incorporation is approved, then elections are held to nominate city officials and select city officials. State (RCW 35/35A) sets the time frame for the elections. Primary elections must be held no less than 60 days following the election for incorporation. Final elections must be held at least 60 days following primary election.
Within 360 days of voter approval of the initial incorporation	<b>City Open for Business.</b> The City begins operations - setting up departments, selecting staff members, adopting interim operating regulations, defining immediate, short term and long term policies, objectives and actions, developing and implementing preliminary budgets, etc.

Source: Berk & Associates summary of RCW 35.02, and King County Boundary Review Board website